

SOUTH EASTERN HEALTH AND SOCIAL CARE TRUST

Minutes of a Public meeting of the South Eastern Health and Social Care Trust Board held on Wednesday 27 November 2019 at 11.00 am in the Conference Room, Trinity Conference Centre, Lisburn

PRESENT: Mr D Sagar, Chairman
Mr S McGoran, Interim Chief Executive
Dr M Briscoe, Non-Executive Director
Mr M Mawhinney, Non-Executive Director
Ms H Minford, Non-Executive Director
Ms J O'Hagan, Non-Executive Director
Mr J Patton, Non-Executive Director
Mr C Martyn, Medical Director
Ms B Mongan, Director of Children's Services & Executive Director of Social Work
Mr P Morgan, Interim Director of Finance and Estates
Ms N Patterson, Director of Primary Care, Older People & Executive Director of Nursing

IN ATTENDANCE: Mr D Bradley, Interim Director of Adult Services & Prison Healthcare
Ms R Coulter, Director of Planning, Performance & Informatics
Mrs M Weir, Director of Human Resources & Corporate Affairs
Ms M Parks, Assistant Director (representing Mr D Robinson)
Mr C McKinney, Senior Manager (Adult Services) (Item 115/19 only)
Ms G Carson, Key Worker (Adult Services) (Item 115/19 only)
Mr D, Service User (Item 115/19 only)
Mr J, Service User (Item 115/19 only)
Miss I Low, Assistant Director Risk Management and Governance & Board Secretary
Miss C Hughes, Personal Assistant

APOLOGIES: Mr N Brady, Non-Executive Director
Dr D Robinson, Interim Director of Hospital Services

OPENING REMARKS

At the outset, the **Chairman** welcomed all present, particularly Mr Stephen Martin, recently appointed Band 7, Office of the Chief Executive, and Ms R Gray, recently appointed Clinical Lead in Quality Improvement, who were both in the audience.

115/19 PATIENT STORY

Mrs Patterson welcomed Mr McKinney, Ms Carson and Mr J and Mr D to the meeting. **Mr McKinney** explained how in 2016 he had been contacted by an Uncle of Mr J and Mr D expressing concerns about their home circumstances. In accordance with Trust procedures he had arranged a welfare visit to the family home and found that whilst the young men were very supportive of each other there were concerns regarding the home, eg no running water, poor sanitation and no heating. Both Mr J and Mr D indicated that they were willing to engage with Social Services. **Mr McKinney** attempted to make contact with their mother without success.

Checks revealed that there had been no previous Social Services contact with the family and it was the Trust's view that the Learning Disability Team would be best placed to review the position as Mr D and Mr J were over the age of 18. Ms Carson and her Team Leader then visited the family.

Ms Carson reported that when they visited the home they were very concerned about the poor living conditions. During discussion with Mr D and Mr J they were asked if there was somewhere else they could go and would they be happy to move and both said that they would go today. Emergency respite arrangements were then made for Mr D and Mr J to move to a Supported Living facility in Newcastle, which is operated by the Presbyterian Church. Medical treatment was obtained for Mr D's toe infection and both men were registered with a GP. Regarding the benefits of moving to Lawnfield House **Mr J** said it was great to have food available and **Mr D** praised the running water and sanitation facilities.

Mr J advised that Christmas was spent at their paternal Grandmother's house in Saintfield. This had been a tradition until their Father's death and then their Mother had ceased contact with that side of the family. It had been great to re-establish relationships with the family and he found it great to not only receive Christmas presents but it also felt good to give them gifts. **Ms Carson** noted that attempts have been made to re-establish contact with their Mother but she had failed to attend arranged meetings.

Ms Carson advised that there had been concerns regarding a lack of day time activity or social life for Mr J and Mr D. **Mr D** advised that he had left school at aged 16 but is now going to College (South Eastern Regional College) in Downpatrick. This has included a work placement job in Downpatrick for which he gets paid. **Mr J** indicated that he had dropped out of school from around age 12 and, whilst he had initially gone to College in Downpatrick, he had felt that type of education was not for him and he now attended Newcastle College and is enjoying courses on ICT and Mental Health. They advised that this was very different from when they were at home where they did nothing.

Ms Carson advised that when **Mr J and Mr D** had left home it was discovered that they were not in receipt of any benefits and arrangements were made to get them National Insurance Numbers and appropriate benefits. They have also learnt about managing their personal finances. They have now moved into their own accommodation and **Ms Carson** indicated that they are supported by staff from the Supported Living facility and herself.

In conclusion **Mr J** advised that they are going on holiday next year to Florida and he outlined some of their plans.

On behalf of Trust Board the **Chairman** expressed gratitude for such an inspirational patient story and described Mr J and Mr D as inspirational.

116/19 DECLARATION OF POTENTIAL CONFLICT OF INTEREST WITH ANY BUSINESS ITEMS ON THE AGENDA

No conflict of interest with any business item on the agenda was declared.

117/19 CHAIRMAN'S BUSINESS

The **Chairman** noted the industrial action which has commenced by two Trade Unions and others may join them. He found it understandable but expressed disappointment in the position.

The **Chairman** referred to his report, Paper No SET/74/19, which had been circulated with papers for the meeting. He highlighted the Community Health Improvement work by the Public Health Agency (PHA) and the Health & Social Care Board (HSCB) and indicated that Mr McGoran and his Team will continue to pursue additional opportunities with these colleagues. He also noted the excellent work undertaken by Corporate Services staff, eg Finance, Human Resources, Planning & Performance, ICT and Patient Experience, and their excellent contribution to the complex operation of the Organisation. Often these staff are viewed as “back room” and this is inappropriate as they provide a valuable service. During discussion Mr McGoran and Ms O’Hagan added their appreciation for the work undertaken by staff in Corporate Directorates and the value these roles bring to the Trust.

The **Chairman** advised that the Trust Board had met immediately prior to this meeting to discuss some items of confidential business.

The **Chairman** noted the Leadership Conference and Chairman’s Awards which took place on 17 October 2019. These had been excellent events and demonstrated the work undertaken throughout the Trust. **Mrs Minford** commented that she had missed these events due to attending the launch of Vis-Pris at Hydebank and Mr Bradley indicated that he hoped to bring this forward as a future Patient Story at Trust Board.

118/19 CHIEF EXECUTIVE'S BUSINESS

(a) Winter Pressures

Mr McGoran highlighted the early commencement of Winter Pressures. These present difficulties across the organisation, both in Hospitals and in the Community, and will be compounded by the industrial action. This year, as in previous years, the organisation has developed plans to help deal with these pressures but, for the first time, have been advised that no specific funding will be available to assist with this work. However, as part of the planning process for savings plans, a small amount of funding had been identified internally to assist a few specific areas for 3 – 4 months. Whilst additional funding would have been beneficial, he recognised that workforce issues are a major factor.

(b) Payments for Critical Shift Nurses

Mr McGoran outlined the nurse staffing position and advised that beds have been closed due to a lack of nurses. In order to prevent bed closures the Trust has commenced increased payments for critical shift nursing cover. This additional payment only started in November 2019 and has resulted in the opening of closed beds and better staffing of escalation beds in Hospital. The position will be closely monitored and a full evaluation will be carried out. Trust Board would be updated on this evaluation in due course. The DoH

are aware of the actions undertaken by the Trust although there has been some anxiety expressed by other Trusts. Mr McGoran commented that the alternative would be to use non-contract Agency staff and this has been resisted by the Trust.

(c) Industrial Action

Mr McGoran noted that UNISON had commenced industrial action on Monday 25 November 2019, and RCN will begin during the week commencing 2 December 2019. It is also expected that NIPSA and UNITE will join the industrial action following the conclusion of their ballot processes. **Mr McGoran** detailed the industrial action undertaken on Monday 25 November 2019 and noted that no services were cancelled. He outlined the potential issues expected on Friday 29 November 2019 and believed that the escalation plans received to date, through to February/March 2020, will have a significant impact if a resolution is not found. An Incident Control Room has been established and provides information through to DoH and HSCB colleagues. Trust staff are working to maintain relationships with Trade Union colleagues during this period of industrial action.

Trade Unions have rejected the slightly increased pay offer made by DoH and **Mr McGoran** noted the difficulties of the situation as DoH do not have funding or authority to award more and, in the absence of an NI Assembly, it is difficult to find a solution. He took this opportunity to commend the work of staff and believed that they should be appropriately remunerated for their services.

During discussion, **Mrs Weir** confirmed that Trade Unions are seeking parity with colleagues in the three other Countries of the United Kingdom. In response to a query from Ms O'Hagan regarding communication to the public, **Mr McGoran** advised that press releases will be approved by DoH and HSCB for issue. The Permanent Secretary, Mr Pengelly, has also indicated that he will write to all staff outlining the position.

The **Chairman** advised that the Non-Executive Directors will be kept apprised of developments through the normal communication channels.

119/19 MINUTES OF THE PREVIOUS TRUST BOARD MEETING

The minutes of the previous Trust Board meeting, and the Annual Public Meeting, held on 2 October 2019, having been previously circulated, were agreed and signed by the Chairman as a true and accurate record.

120/19 MATTERS ARISING FROM THE PREVIOUS MINUTES

(a) Update on Response to Trade Unions Following Their Address to Trust Board

The **Chairman** advised that his response to Trade Unions following their presentation at Trust Board on 2 October 2019 had been circulated with papers for the meeting.

121/19 FINANCE REPORT FOR THE PERIOD ENDED 31 OCTOBER 2019

Members received, for discussion, Paper No: SET/75/19 Finance Report for the period ended 31 October 2019, which had been circulated with the papers for the meeting.

In presenting the report, **Mr Morgan** advised that the Finance Report as Month 7 is a snapshot of the position on 31 October 2019. The position at that time was a deficit of £400k which would have created a year end deficit of £700k. This potential deficit related solely to the resettlement of clients from Muckamore Abbey Hospital which the Trust had assumed would be funded and were only advised during October that this would not be the case. However he was pleased to report that following detailed discussions the HSCB has now confirmed that this funding will be provided. Therefore the Month 8 report should indicate a forecast breakeven position for the Trust, provided there are no unexpected pressures. He commended the fantastic efforts by all staff to reach this position which is dependent on delivering over £12m of low and no impact savings. This is the largest savings plan that the Trust has had to deliver.

Mr Morgan commented that non-recurrent funding has also been received for Psychological Therapies (£542k). In response to a query from Dr Briscoe, **Mr Morgan** advised that there are no indications at the moment that HSCB will fund Psychological Therapies on a recurrent basis.

Looking forward to 2020/21, **Mr Morgan** noted that the opening deficit will be approximately £25m and in addition there will be sustainability plans for Transformation projects. Members noted that Mr Morgan would keep Trust Board updated on progress in addressing these issues.

122/19 PERFORMANCE MANAGEMENT REPORTS – SCORECARD / DASHBOARD

Members received, for discussion, Paper No: SET/76/19 Scorecard and Paper No: SET/77/19 Dashboard for October 2019 which had been circulated with the papers for the meeting.

In presenting the reports, **Ms Coulter** noted that after six months the Scorecard and Dashboard clearly indicate the impact of increasing demand against capacity and financial constraints, together with workforce challenges on performance, across all Specialties. During her presentation, **Ms Coulter** detailed the following issues:-

- Elective waits continue to be extremely long for access to routine Outpatients, Inpatients and Day Cases. This is partly due to the impact of pension implications on salaries for Medical Staff affecting the Trust's ability to continue to deliver Waiting List Initiatives in-house.
- The priority for any additional investment has been solely on red flag and referrals for suspect cancer. It is now a concern for everyone that waiting times in these areas for the 14 day target are being pushed out in ten Specialties. Some patients with suspected cancer are waiting up to nine weeks.
- The Emergency Department (ED) 4 hour target performance has remained stable at 72% across the Trust. There have been pressures within the Ulster

Hospital, ie 8411 attendances in October which is an increase of 141 on last month and an additional 369 compared to October 2018. There are 271 attendances per day at the Ulster Hospital ED and, in that context, to hold performance is very challenging.

- 938 patients breached the 12 hour target in ED which is three times more than in October 2018.
- There are challenges within Cancer Pathways, particularly Urology and Dermatology, and usage of the Independent Sector prevents this position from deteriorating.
- Complex Discharge Delays: of 409 complex discharges there were 90 patients waiting over 48 hours after being declared medically fit.
- Psychological Therapies: 32% of patients are being seen within 13 weeks. The reasons behind these challenges have been discussed previously.
- Children's Services Unallocated Cases: The position has remained stable but she noted that child protection cases are all allocated within timeframes.

In respect of Performance Trajectories, **Ms Coulter** noted a strong performance in many areas with only issues in Psychological Therapies and Diagnostic Imaging. Scope services have been taking place on alternate weekends and plans are being made to increase this to weekly.

During discussion, **Ms Coulter** confirmed that any additional funding will be for urgent and red flag cases only and therefore will not improve the position for routine waiting lists across the Health & Care system. It is expected that £1bn investment would be required to manage routine waiting lists. In response to queries from Non Executive Directors, **Mr McGoran** expressed concern regarding the increased waiting lists but the significant funding required to improve the position is not within our control. This issue is wider even than DoH and requires UK Government decisions. He noted that the Trust is currently delivering more inpatient and day cases than in the Service Budget Agreement.

123/19 TRANSFORMATION PROGRAMME

Members received, for information, Paper No: SET/78/19 Transformation Programme which had been circulated with the papers for the meeting. During a presentation, **Ms Coulter** advised Board members on progress and highlighted the following points:-

- There has been a formal launch of Primary Care and this has been very successful in the Downe area.
- An Interim Report on the development of future Neurology Services across Ni has been published.
- There has been significant improvement in working methods in Children's Services, eg 1700 Social Workers have been trained to use Signs of Safety.
- DoH has published a Draft Action Plan for Mental Health Services to support Children and Young People.

Ms Coulter noted that this is the second year of Transformation and the end of funding. The priority for the Implementation Group is now to review impact and benefit of services which have been put in place and how to inform decision making on sustainability going forward. Within South Eastern Trust £17m has been allocated with spend to date of £9.6m and slippage of £757k has been

identified. A review will take place across the organisation of the financial and workforce position in order to contribute to the regional review.

During brief discussion, **Ms Parks** highlighted the work of Ambulatory Hubs and how effective they have been in dealing with patients in ED and shortening the length of stay in Medical and Surgical Wards.

124/19 DRAFT TRUST DELIVERY PLAN

Members received, for approval, Paper No: SET/79/19 Trust Delivery Plan, which had been circulated with the papers for the meeting.

Ms Coulter presented (in a presentation format) the Trust Delivery Plan (TDP) 2019/20 for consideration and approval. She outlined previous discussion at Confidential Trust Board and indicated that this TDP is the annual response to the Commissioning Plan direction which sets out the HSCB priorities. This document sets out the context and constraints under which the Trust is operating and identifies the targets which the Trust will meet; not meet or partially meet, within available financial and workforce challenges. When approved, the TDP will be forwarded to the HSCB for presentation at their Board meeting and then onward transmission to DoH.

During discussion, **Ms Coulter** advised that internal monitoring and review against the TDP will take place at mid-year and year-end. **Dr Briscoe** outlined concerns regarding the on-going year-on-year gap in capacity and demand. In response, **Mr McGoran** noted that these issues are highlighted to DoH colleagues through the mid-year and year-end Governance Statement. Following discussion, it was agreed that **Ms Coulter** would include these concerns in the covering letter to be issued with the TDP. Members noted that the financial aspect of the TDP will be regularly reviewed by the Finance & Performance Committee and the Board.

The **Chairman** sought, and received, Trust Board approval to the Trust Delivery Plan. The concerns outlined above would be included in the covering letter.

125/19 INTERIM REPORT ON THE DISCHARGE OF DELEGATED STATUTORY FUNCTIONS AND CORPORATE PARENT REPORT

Members received, for approval, Paper No: SET/80/19 Interim Report on the Delegated Statutory Functions & Corporate Parenting Report (November 2019), which had been circulated with the papers for the meeting.

In presenting the paper, **Ms Mongan** advised that the Report was presented in the regulation format and it is hoped in future to influence the DoH to have a greater focus on outcomes. She noted that the Report is an update in terms of Action Plan activity in between the full reports being presented. The following points were highlighted:-

- The five Trusts are working with DoH to submit a bid for resources to address demand and capacity issues.
- 14 children are placed in inappropriate or unregulated accommodation and work is ongoing regionally to resolve this issue.
- Work is ongoing to resolve recruitment issues, particularly in relation to Personal Advisers and Approved Social Workers for Mental Capacity Act.

- There are delayed discharges from Muckamore Abbey Hospital and work is ongoing to build a range of Supported Living and Community/Home Treatment.
- Within Physical Disability and Older Persons there is a challenge in Domiciliary Care provision.
- Work will be undertaken to review and strengthen Governance arrangements.

In response to a query, **Ms Mongan** advised that work is ongoing regarding recruitment and discussions are taking place with other Trusts who have been more successful in their processes. During discussion regarding RQIA regulations **Ms Mongan** advised that there are no extant regulations for Secure Homes and therefore RQIA inspectors use those for generic Children's Homes which is not reflective of the challenges within Secure accommodation eg Lakewood. **Ms O'Hagan** commended the Report and acknowledged the work undertaken to reduce unallocated cases but requested that the section on Adoption Panels be reviewed, particularly in relation to the Non Executive Director role. She also queried the governance arrangements around the Adoption Panel and where it reports to in terms of the governance infrastructure. In response, **Dr Briscoe** outlined her views on this matter (ie, panel is an advisory panel only and not a governance sub-committee) and said she was happy to discuss this issue further with Mrs O'Hagan post today's meeting. **Ms Mongan** indicated that this is a regional Report and would therefore check if any additional information is allowed to be included in the report to ensure consistency. She took this opportunity to thank Non Executive Directors for their work on Adoption Panels.

Mr Patton left the meeting at this juncture.

The **Chairman** indicated that the issue of governance arrangements for Adoption Panels would be discussed outside this meeting and hoped a shorter report is possible next time.

The **Chairman** sought, and received, Trust Board approval to the Interim Report on the Delegated Statutory Functions & Corporate Parenting Report.

126/19 UPDATE REPORT – BOARD ASSURANCE FRAMEWORK AND CORPORATE RISK REGISTER 2019/20

Members received, for information, Paper No: SET/81/19 Board Assurance Framework and Corporate Risk Register (November 2019), which had been circulated with the papers for the meeting. **Ms Weir** presented the November 2019 update and highlighted the following points:-

- On 19 September 2019 a new risk was added in relation to concerns regarding implementation of the Mental Capacity Act (DB1);
- The Workforce risk has been updated to include taking account of the impact on high earners of the pension annual allowance tax implications (MW4); and .
- MW5 was updated in September 2019 to take account of the potential emerging risks highlighted by ISPs in their ability to meet contractual obligations due to impacts of a No Deal and potential industrial action resulting in reduction of staff.

During brief discussion, the **Chairman** asked if the pension annual allowance tax implications were having an effect on services. In response, **Mr Martyn** indicated that this has had an impact on high earners and has resulted in some Consultant

staff reducing their workload. **Mrs Weir** confirmed that this issue had been included in MW4 risk issue.

127/19 UPDATE ON THE MENTAL CAPACITY ACT

Members received, for information, Paper No: SET/82/19 Update on the Mental Capacity Act, which had been circulated with the papers for the meeting. In presenting the paper, **Mr Bradley** advised that the implementation date has been delayed to 2 December 2019. He said the Trust is in a good stage of readiness for implementation although this is not to underplay the significant issues to be undertaken in the coming months/ years regarding resources, training, Trade Union engagement to support processes and secure involvement of GPs.

128/19 REPORT AND MINUTES OF THE CHARITABLE FUNDS COMMITTEE HELD ON 2 OCTOBER 2019

Members received, for information, Paper No: SET/83/19 Report and Minutes of the Charitable Funds Committee held on 2 October 2019, which had been circulated with the papers for the meeting. **Mrs Minford** advised that work is ongoing to consolidate charitable funds into a more efficient format to ensure funds can be accessed.

129/19 REPORT AND MINUTES OF AUDIT COMMITTEE MEETING HELD ON 3 OCTOBER 2019

Members received, for information, Paper No: SET/84/19 Report and Minutes of Audit Committee on 3 October 2019, which had been circulated with the papers for the meeting.

130/19 REPORT AND MINUTES OF FINANCE & PERFORMANCE COMMITTEE HELD ON 16 OCTOBER 2019

Members received, for information, Paper No: SET/85/19 Report and Minutes of the Finance & Performance Committee held on 16 October 2019, which had been circulated with the papers for the meeting. In presenting the papers, **Mr Mawhinney** noted that the issues raised at the Confidential Trust Board meeting earlier today regarding the replacement of the vacant Non-Executive Director post and escalation of concerns regarding Cancer Waiting Lists.

131/19 ANY OTHER BUSINESS

(a) Social Work Awards

Mr McGoran reported that the South Eastern Trust had hosted the regional Social Work Awards on Friday 15 November 2019 in the Slieve Donard Hotel, Newcastle. It had been a very encouraging event and demonstrated co-production and leadership in practice.

(b) Interim Chief Executive Extension

The **Chairman** thanked Mr McGoran for accepting an extension to his period as Interim Chief Executive from 1 December 2019 for a further period of up to six months.

132/19 DATE AND VENUE OF NEXT MEETING

The **Chairman** confirmed that the next Public Trust Board meeting will be held on **Friday 31 January 2020 at 11.00 am in the Recreation Hall, Trust Headquarters, Ulster Hospital.**

_____ Date: _____
Mr Deep Sagar
Chairman

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